

Meeting of 1997-7-2 Special Meeting

MINUTES
LAWTON CITY COUNCIL SPECIAL MEETING
JULY 2, 1997 - 5:30 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Charles P. Beller, Also Present:
Mayor Pro Tem, Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 5:30 p.m. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Jody Maples, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight

ABSENT: John T. Marley, Mayor

BUSINESS ITEMS:

1. Consider an ordinance annexing the Southeast Quarter of Section 28, T1N, R11W of I.M., and a seventeen feet strip of land from the southeast corner of the City's landfill to the southeast corner of the City's Wastewater Treatment Plant into the corporate limits of the City of Lawton, Comanche County, Oklahoma, classifying said tracts of land as "Temporary" Public Facilities zoning classification for a period not exceeding one (1) year; and declaring an emergency. EXHIBITS: LETTER OF REQUEST; LOCATION MAP; ORDINANCE NO. 97-32; LETTER FROM WACKENHUT CORRECTIONS CORPORATION.

Beller said a letter had been received from the land owner requesting annexation, and a letter from Wackenhut requesting the annexation for their property.

Schumpert read a portion of the agenda item commentary as follows:

"On June 30, 1997, the City received a request from Lyn and Tari Aldridge to annex their quarter section (160 acres) into the corporate limits of the City.

Pursuant to Oklahoma Statutes, Title 11, Section 21-101, the City Council has authority to annex property into the City limits, by ordinance, when the Council deems it desirable for the benefit of the municipality. Under the provisions of Section 21-103, Title 11, Oklahoma Statutes, the Council may adopt an ordinance without a public hearing or plan for providing municipality services, when requested by at least the majority of the owners of the acres to be annexed.

The requested area is located and adjacent to the east of the Waste Water Treatment Plant. The attached map indicates the location of the proposed annexation description. The Statutes requires that newly annexed property be contiguous to the current City limits. The nearest City limit is the City's landfill property located two and a half miles west of the proposed annexation. A 17-foot strip of land attaches the current City limits with the proposed annexation as shown on the attached map.

On June 30, 1997, the Mayor received a letter from Wackenhut Corrections Corporation stating that the Aldridges property was the best suited for the facility and that they wished to move forward with the development. A letter from Wackenhut is also attached for Council's consideration."

Schumpert said the staff recommendation is that the ordinance annexing the property as described into the

corporate limits of the City of Lawton, classifying said tracts of land as Temporary Public Facilities zoning classification for a period not exceeding one year, and declaring an emergency, be adopted.

Beller said there is a tremendous amount of interest in this community wide and it would behoove the Council to hear from those who have information to share. He asked if Council had any problem with allotting ten minutes to each side for and against so there would be additional information presented. This was agreeable.

Beller said mention had been made that Mr. Bill Bentley had passed away and he was a dear friend of just about everyone in the room. He said it was appropriate at this time to send condolences to the Bentley family; Mr. Bentley was a driving force behind a lot of what was accomplished at Fort Sill over the years by virtue of the fact that he was the civilian aide to camp to the Secretary of the Army. Beller said it is with great sorrow that we send our condolences to the Bentley family.

Beller said he asked the people from the Flower Mound community if they had a spokesman and Dr. Paul Kempen will present some of his concerns and those of the Flower Mound residents; a couple of ladies in the audience also wish to speak. He said comment will be limited to ten minutes for each side. Beller said previous debates have been heard in this regard, and information presented; he asked that new information be shared.

Dr. Paul Kempen said he thought it was an aberration of the English language that we declared an emergency based on preservation of peace, health and safety of the City of Lawton because this is a private industry, a prison industry, coming into town which has nothing to do with our municipality; it is a State issue. He said the County has reviewed this and decided against supporting the prison at this time.

Dr. Kempen said he felt a number of issues had not been looked at and that he had faxed more than 25 pages of information he obtained from various sources specific to Wackenhut as a company, private prison as an industry, and prisons in general. He said he felt all of that information should be given to all Council members before a decision is made regarding annexing a piece of property for the sole purpose of having a prison on it.

Dr. Kempen said Wackenhut was approved in 1995 in Canada to install a youth detention center for the purpose of rehabilitating those youth. It became a heated political issue between both parties in Canada and it was subsequently taken away from Wackenhut because it appears in Texas they have been misappropriating rehabilitation funds to the tune of \$300,000 to \$700,000 per year. He said he had been told by Mr. Kirby that this is to be a maximum security, medium risk prison population and that this, in his opinion, meant these would be first time offenders without a violent history. Dr. Kempen said everyone can skirt the law one time and deserve a chance at rehabilitation but that he personally believed that with a private prison industry, the sole purpose would be to incarcerate people and make money off of them without any vested interest in the rehabilitation process.

Dr. Kempen said residents heard from Wackenhut representative, Mr. Calabrese, that they have one to two escapes each year from each prison that they run, and that is one to two escapes too many each year for Lawton. He said they are planning on building the prison within sight possibly of the highway; at night there will be this glow out there and people will wonder if it is UFOs but they will know it is a prison and when they drive by on their summer vacations looking for a nice place to stop, they would not select a prison town as the first place to pull in to spend their dollars in tourism in a community with a prison.

Dr. Kempen said they had collected signatures against the prison and that he believed those numbers were greater than the numbers collected by the Chamber of Commerce, which was a subgroup of individuals within the Chamber who had decided to fund this enterprise themselves and say it is in behalf of the Chamber but some members of the Chamber were very upset that their names and dues were being used for this process. It was no consolation to find out that it was funded privately and was by their dues.

Dr. Kempen said the prison sentencing law was the impetus for a prison entity in the first place and people who do the crime should do the time, but the corrections industry in every state budget is second of all budgets after Medicaid, and if we incarcerate people for twice as long, it will readily surpass the cost of Medicaid. He said one or two years from now, the taxpayers of Oklahoma will say 8% is a lot of money on sales tax, if we have to pay twenty cents on the dollar to support a prison industry to keep people run askirt of the law because they had a small amount of drugs in their pocket and incarcerated them as felons for a long period of time without a chance of rehabilitation, within a short period of time, they will probably no longer continue with this line of reasoning and then we will have this private prison sitting in Lawton without State prisoners to go into it, the year will have run out and they probably will bring the worst grade of prisoners from other states to incarcerate in our neighborhood for the sole purpose of earning money. We will not know how many of them are child molesters but we can be certain of one thing, they will escape.

Dr. Kempen said as far as the quality of jobs, he had talked to people and they said we have the Bar-S and that was not a very good option, and that he would ask the Council to recruit more valuable industries and not have people dump their garbage on our door and say we are glad to have it. He said there is a group of businessmen interested in building the prison, selling the mortar, bricks, cement, and installing it to the tune of \$40 million, but we are

paying taxes and hundreds of thousands of State dollars will be spent to build the road system. He said once it is there, Wackenhut is a big company, it has big interests in Texas, and will fill their orders through a mail central order point, probably in Dallas. He said once the prison is there, we will not have any benefit or monetary gain, but will be stuck with a prison with 1,500 prisoners, and 350 "good jobs." Dr. Kempen said he would ask who would be willing to have their daughter or son work in the prison as a prison guard to stand up now so we can see who you are.

Dr. Kempen said to present this as an emergency to benefit the municipality is an aberration of the English language. He said people would be better served if prisons would be located adjacent, as an example, to the one in Miami where prisoners already broke out and made it to Archer, Texas, where they robbed a bank after only seven months of running; whereby in the Constitution it said it was a particularly effective prison and that escapes were to be expectedly rare. Dr. Kempen said he did not think that Wackenhut would do any better.

Allisa Hoskins said prior to this meeting, Councilman Purcell spoke with her for a moment and the issue of bringing this to a City vote came up and that she understood that the majority is not what you are looking for, the consensus of the majority. Aside from that fact and in lieu of that fact, she had not seen in this ordinance included with the notes, any municipal services extension plan and that she understood that such a plan was supposed to be part of this ordinance. She said it was also her understanding that we should have the evidence of the residence in ownership and if the property has not been platted, that the Council is to obtain, through a petition, must contact the County Commissioners with the reason for the annexation, an accurate plat or map describing by metes and bounds the territory to be annexed and verification of such by affidavit. She said she had not seen any of this in any of these papers.

Debbie Marburger said she was annexed six years ago when Shanklin was Mayor. She asked if the City would provide water, sewer, fire and police protection for this facility, whereas she, as a citizen of Lawton who had been annexed, had not received any of that as of yet.

Hoskins said that is the extension plan that is to be incorporated into the ordinance but is not. Beller asked Cruz to respond.

Cruz stated the Statute provides that the City Council, in this particular instance, can annex a piece of property with the consent of the majority of the property owners of the area to be annexed. As far as the requirement for a plan for the provision of municipal services and other facilities, that is required if the majority of the owners have not asked for annexation and in that instance then the Council must advertise for a public hearing, there has to be a public hearing, and during that portion of the proceeding, the Council must be provided with a plan on how to provide these municipal services. Therefore, under the current situation the Council is faced with, since you have a request from the majority of the owners of the tract to be annexed, there is no requirement for the municipal services plan.

Dr. Kempen asked the impact of the jail had been evaluated and said this is about a jail, not an annexation. He asked if there has been any assessment whatsoever about the impact of this on the current industries available and prospective recruitment of other industries. Dr. Kempen said he lived in Michigan, they brought a prison, it was very bad; you will build the prison, it will look fine, and when the first escape happens, everyone will ask who did we vote in who brought that prison in here. He said some businessmen got together and have pushed something down the throats of the citizens of Lawton without asking them or giving them a chance to speak. He said Council discussed Tuesday night for over a half an hour the oil lube place on Gore, but is only taking ten minutes to discuss this and it will have a severe impact on our lives and that of our children, should we chose to stay in Lawton.

Beller asked David Means, Task Force Chairman, or Representative Ron Kirby, if they had a response, and asked that it be limited to ten minutes.

Ron Kirby, State Representative, congratulated each member for serving in their public duties. He said discussion of the possibility of building a prison in the Lawton-Fort Sill community started about a year and a half ago. The task force went about its job meticulously, at no pay, very thoughtfully, considered all the companies and a great number of factors, spent a great deal of their own time, unreimbursed by any single entity, but out of their own pockets, to create a better Lawton.

Kirby said he visited with Mr. Kempen for about 45 minutes over the phone, and it should be pointed out that Kempen was referring to Michigan and the laws there. He said Kempen also referred to what was happening in Canada and in California. Kirby said he had assured Kempen that in the State of Oklahoma, that one thing that came through during the last election was that the citizens of the State of Oklahoma did demand that a truth in sentencing law be passed which will require that each individual who is to be incarcerated will serve a minimum of 85% of their time. He said this will be a maximum security facility, housing, by law and by definition from the State of Oklahoma, minimum to medium security inmates.

Kirby asked the courtesy to continue uninterrupted with the presentation and stated he had not interrupted the

other side.

Kirby said the State of Oklahoma houses approximately 2,400 inmates in Texas at this time. He said Texas passed a truth in sentencing law about a year ago and has made it clear to the State of Oklahoma that those prison beds will no longer be available in a very short period of time. Kirby said we have identified on the State level that as of July 1, 1998, when the truth in sentencing law goes into effect, that there will be an immediate need within a 60-day period of approximately 2,300 new, additional bed spaces. He said the State has ordered at least 600 bed facilities be built at the present locations, such as Lexington, Granite, Joseph Hart, etc., with the exception of McAlester. Kirby said the overall plan is to incarcerate the violent criminals, the ones we are afraid of, in McAlester, which is a maximum security facility. He said the State of Oklahoma can ill afford to do both; we cannot build the prisons and operate them in compliance of the truth in sentencing law so we turn to private industry, which must maintain certain ratings.

Kirby said he wanted to correct one glaring thing that Dr. Kempen said as far as one to two escapes in the system; Wackenhut operates 40 different facilities and has an average annually of only one to two escapes. He said these are not nice people that are incarcerated or they would not be in that system, but they are in a secure system. Kirby said the State stands prepared to make all of the necessary improvements on roads to access the facility at the Flower Mound site. He said Wackenhut officials have assured that they want to be a good corporate member of the community; they will hire approximately 340 employees with full benefits. Kirby said this is a maximum security facility, and by law of the State of Oklahoma, will be incarcerating only medium security risk prisoners.

Kirby said the State needs the Wackenhut Corporation because we are in competition with other private facilities, such as CCCA. He said all of these facilities must meet the American Criminology Association standards, which are the standards of the United States. Kirby said they will meet those standards, or they will not be funded. He said as far as rehabilitation, the law of the State of Oklahoma demands that certain rehabilitation services and programs are incorporated in the facilities being constructed. Kirby said they will provide full medical services for inmates, as well as rehab, drug programs, training programs, and other educational programs within the facility and they will be hiring from the local area. He said one of the reasons the Lawton-Fort Sill community is an ideal site is due to the down sizing of the military, and many of the professional people available at Fort Sill can be made available to the Wackenhut Corporation, which is looking for professional people.

Kirby said Wackenhut is looking to help the State of Oklahoma and we, as a community, have a moral obligation; we contribute so much to our inmates state wide yet we do not want to house the inmates who have been sentenced to be incarcerated in the State. He said he considered it our moral duty to provide such a facility for the State of Oklahoma. Kirby said to set aside the economic impact for a moment, and consider the moral responsibility. He said everyone, including the residents of Flower Mound, who he did appreciate, will say they do not like the fact that the State sentences inmates and the revolving door policy goes into effect. Kirby said the Legislature listened and said truth in sentencing is mandatory. He said we need these facilities and need to have competition if we are to get into the private industry. Kirby said he knew of no problems with Wackenhut, which is the number one builder of prisons in the United States, and in the world. He said no tax dollars had been spent.

Kirby said he knew this was a difficult vote, and that consideration should be given to what is best for the entire area, as well as the State of Oklahoma.

Mark McCord, President of the Chamber of Commerce, said comments had been made previously about many generations growing up on the land on which they reside. He said he came from a similar area and understood those concerns. McCord said the little area where he grew up, if they had the opportunity to get a facility such as this, they would do it today, because there is no opportunity. He said there was much due diligence given to this project; several sites were looked at, research was done, and everything possible to make sure the citizens are protected and that we can make more of an argument than just economics. McCord said the economic argument is obvious, but the argument transcends the economy of this situation. He said the people of Comanche County must understand that nobody is going to step in and do for us what we will not do for ourselves. McCord said if we are serious about jobs and keeping our young people here to work in our factories and on our farms and so forth, then we need to embrace projects like this, and he asked for appropriate consideration.

Beller asked for comment from Council or if there were questions for any of the speakers.

Purcell said up until Monday, he had received one phone call, and the lady who called is present, and she was opposed to the prison at the Flower Mound site, although she would not be opposed to it being somewhere else in Lawton. He said he saw a person from his ward at several of the meetings and it appeared he opposed the prison, although he did not call. Purcell said he had received numerous calls and had conversations with people on the street who were in support of the prison, at that location or any other. He said he had received eight additional telephone calls since Monday; three were in favor of the prison at the Flower Mound location and five were in opposition; others had stopped him on the street and expressed support. Purcell said some of the calls were from people who were not in his ward.

Purcell said two of the calls received today alluded to the fact that the State or County will turn 45th Street into a four-lane road because that is how traffic will be funneled to the prison. He asked if Kirby could provide information in that regard.

Kirby said if the County Commissioners had approved the Flower Mound site, Wackenhut and the State of Oklahoma were more than willing to consider improvements to 45th Street and make that the mandatory path to Tinney Road, then back to the west to the actual prison site. He said that he and Transportation Commissioner Gibson had visited the site and agreed that could be done. Kirby said it certainly would not be made four lanes, and that improvements would be made from funds the State has set aside specifically for industrial sites, and this meets the classification. He said it is not out of line to say that 45th Street would be improved. Kirby said Wackenhut had no problem if the people in the Flower Mound area preferred that 45th Street be used for access, due to location of the cemetery and the school on Flower Mound Road, and that can be worked out with the residents of the area as to which facility they want; the State stands ready to provide funding through the special funds. Purcell asked if it would be a four-lane road and Kirby said under no circumstances.

Purcell said he was concerned with what he heard from Dr. Kempen and that some of the comments stretched his credibility a little bit. He said he attended the meetings where Wackenhut was represented, and it was not one to two escapes per prison site, it was of their 25,000 or whatever number of beds they have in the United States and overseas.

Purcell said papers have been circulated concerning a site in Canada and that he had spent the weekend searching the same Internet site he assumed Dr. Kempen had found, and that he found the same article Dr. Kempen had provided. The article contained allegations by a person running for Prime Minister of Canada in 1995; she made some accusations as part of a political process along with many others that was just one of them. Those accusations were never proved and she lost the election. There was a further article at that website that said she probably lost because all those last minute allegations backfired. There was never any proof of this and it is really easy to make allegations. He said he wanted to see if there were proof or charges being filed or anything else being done in Canada or Texas against this corporation. Purcell said the Wall Street Journal shows Wackenhut to have an excellent reputation, so when you hear things that stretch the credibility, you are suspect of many other things.

Maples said she agreed with Purcell's comments, as well as Kirby's. She said the State of Oklahoma is tired of criminals and we have given a directive to our elected representatives at the State level that we want these prisoners to be housed and complete more of their sentences. Maples said Kirby had taken that directive, which he was voted in on, to task; Wackenhut has said they wanted a prison site here. She said citizens gave a directive to the Chamber, by supporting the hotel/motel tax, and she complimented them on pursuing this diligently and thoroughly. Maples said she would support this prison no matter where it was at in Lawton, even if it was in her back yard, because the prisoners need to be housed.

Maples said this is good for the Lawton economy; there will be professional people working in these areas and they will not be minimum wage jobs. She said she personally works in the correctional field and did not consider herself a minimum wage individual; they are educated, trained and highly professional individuals. Maples said the employees will seek housing, food, electricity, water and household items here. She said all prisons have problems, just like businesses cannot guarantee that one of the employees will not embezzle money, everyone has problems they must deal with. Maples said she was sorry some people felt this way but that she would support this totally.

Green said her comment was that it would not be in her back yard.

Sadler said it had been an extremely difficult decision for most members, and that he had been up late making up his mind how to go. He said his biggest concern had been the other site on 11th Street that he looked at, and which Green obviously did not favor. Sadler said he did not understand all the problems with that site. He asked if the Flower Mound site was not approved, was it possible that another site could be found.

Beller said economics was one of the things that ruled out the 11th Street site because the cost of the land itself, as he understood it, was four times the price, and economics do not allow that if you are in a profit making business.

Sadler said he had concern for the people in the area, but that he had seen prisons in Wichita Falls, and was recently in Calgary, Canada, where prisons are both located but that no one referred to either town as a prison town. He said he would not object if he had property nearby. Sadler said there were many things he was uncomfortable with but that he planned to support it because he had heard many more positive comments than negative. He said serving on the Council, you will make 50% of the people mad about 100% of the time, and people would be upset regardless of the vote on this item.

Sadler said he had received many calls, and no one could see the other side of the issue. He said he could plainly see both sides and would support the item. Sadler said he did not think it would be the problem that is anticipated after it is built and running for two or three years.

Green said a letter had been provided from the Ranch Oaks Association describing some of the many things she had stated on a recent newscast. She said the pre-release center is currently in their area, where the inmates have been known to hide out in the area and one rape had been reported from there. Green said the area also has the landfill. She said she favored the prison but not on the 11th Street side. Sadler said this prison would be very different from the pre-release center.

Williams said he had received telephone calls, mostly today. He said when the prison was first being discussed, he received a call requesting information. Williams said public hearings and different meetings were held at Vo Tech and Flower Mound School. He said many of the people he comes into contact within business and socially are truly in favor of this particular prison being built in the Lawton community. Williams said he received three calls today in opposition, and those three live in the Flower Mound area. He said the fact is that someone will build a prison in Oklahoma to house Oklahoma prisoners; we are sending them away now and paying greatly for them to be housed. Williams said if anyone is going to build a prison, it should be in the Lawton Fort Sill community so we can take advantage of the economic impact from jobs and the ripple effect. He said he was highly in favor of the Wackenhut group putting this package together, and the representative indicated that time was of the essence.

Warren said he had not received that many calls, the majority had been in favor, although it was close. He said the people he talked to on the street were unanimously for the prison wherever it was to be located, the thought being that we need the industry. Warren said each member is tasked with representing the constituents in each ward, and that he had come to understand that not necessarily all politicians adhere to that. He said he had to vote the minds of his constituents. Warren said he also felt the question was not whether or not there would be a prison, but how many there would be. He said he hoped Lawton would do its part and build as many as we can because they are needed.

Hoskins said she initially thought she could support a prison at a site other than Flower Mound, but after research, found that she would not support a prison at all. She suggested it should be brought to a vote of the people.

Beller asked that public comment cease as the allotted time had been used and that if one side is heard, the other has to be given time, also. He said he thought it was fair to have the discussion tonight and that public input had been given at other meetings.

Shanklin said this is a tough decision, and that he had been here eight years and made a lot of tough decisions, but that he had not ducked those decisions. He said he did not get paid \$35,000 plus perks and wear a cowboy hat and boots and stride around the county, building a little road here, fixing a bridge there; he did not do any of that or duck his job as they did and put it here; they could have made that decision but did not. He said he had the courage to say what he was about to say.

Shanklin said he had worked with Buddy Merritt, Clarence Botts and Wendell Sullivan at the post office 50 years ago almost. He said he went to school with Daymon Doye and Benny Allison and many others. Shanklin said when the Wastewater Treatment Plant went in 20 years ago, the same fears were voiced then according to the newspaper. He said he had no input as to the site selection. Shanklin said he asked one of the people he just mentioned if he would have sold his land for this and he said yes.

MOVED by Shanklin, SECOND by Maples, to adopt Ordinance No. 97-32, reading that ordinance, and declaring an emergency.

The ordinance was read aloud in full; title is included for the record as follows:

ORDINANCE NO. 97-32

AN ORDINANCE PROVIDING FOR THE ATTACHMENT OF THE NORTH SEVENTEEN (17) FEET OF THE SOUTH FIFTY (50) FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 28, TOWNSHIP ONE NORTH (T1N), RANGE ELEVEN WEST (R11W), THE NORTH SEVENTEEN (17) FEET OF THE SOUTH FIFTY (50) FEET OF SECTION 29, TOWNSHIP ONE NORTH (T1N), RANGE ELEVEN WEST (R11W), THE NORTH SEVENTEEN (17) FEET OF THE SOUTH FIFTY (5) FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP ONE NORTH (T1N), RANGE ELEVEN WEST (R11W), AND THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, LESS AND EXCEPT THE EAST THIRTY-THREE (33) FEET AND THE SOUTH THIRTY-THREE (33) FEET, TOWNSHIP ONE NORTH (T1N), RANGE ELEVEN WEST (R11W), INDIAN MERIDIAN (I.M.), COMANCHE COUNTY, OKLAHOMA, INTO THE CORPORATE LIMITS OF THE CITY OF LAWTON; CLASSIFYING SAID TRACTS OF LAND AS "TEMPORARY" PF (PUBLIC FACILITIES DISTRICT) ZONING CLASSIFICATION FOR A PERIOD NOT EXCEEDING ONE (1) YEAR; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

Purcell asked if the resolution previously adopted by Council would be sufficient or if another was needed. Schumpert said it is sufficient.

There was no further business to consider and the meeting adjourned at 6:20 p.m.